LAW OFFICES OF
COHEN & NOTERMAN, P. C.

NEIL J. COHEN
PETER A. NOTERMAN
ANNE PILSBURY

SUITE 200, 1523 L ST. N. W.
WASHINGTON, D. C. 20005
202 628-4195

July 21, 1976

Julius and Tina Hobson
901 6th Street, S. W.
Apt. 214-A
Washington, D. C. 20024

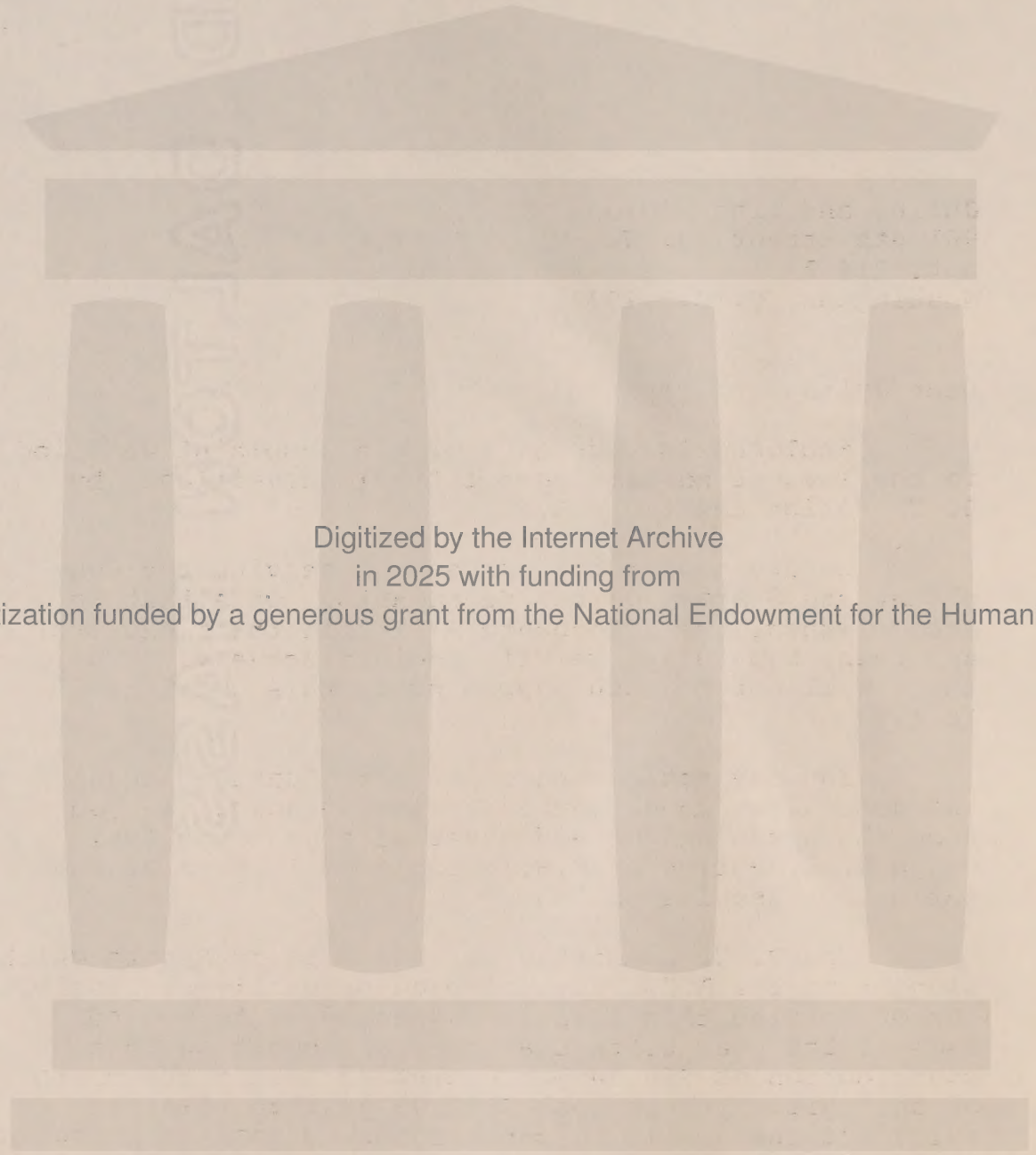
Dear Julius and Tina:

Enclosed is your copy of the Complaint we filed in the lawsuit concerning political surveillance by D. C. Police and the F.B.I.

We are now in the process of serving the Complaint and Summons on the defendants. Once that is accomplished, the defendants will file their Answers and then, hopefully, we will begin discovery. Thus, there will not be much happening on this until the fall.

You may notice there are both "unknown agents" and defendants whose addresses are unknown. If you know the names and/or addresses of anyone you feel was a D. C. Police or F.B.I. employee in your organization, please let us know.

The D. C. Committee for the Bill of Rights which, along with the A.C.L.U., has been primarily responsible for organizing this lawsuit has asked me to remind each of the plaintiffs that they are counting on a contribution of $50.00 per plaintiff toward the costs of the suit. It has cost $140.00 just to file the suit, and there will be other costs as soon as we begin taking depositions. ("Cost" refers to actual out-of-pocket expenses; there is no charge for the attorneys' time which is being volunteered.) Fifty dollars per plaintiff will not cover all these costs by any means, but should help carry us over until community fund-raising efforts can be organized. Please send your



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https://archive.org/details/box53_hobson-wilson

checks as soon as you can to the D. C. Committee for the Bill of Rights, 1015 Dupont Circle Building, 1346 Connecticut Avenue, N. W., Washington, D. C. 20036.

If you have any questions regarding the Complaint, or the lawsuit in general, please feel free to contact any of the attorneys listed on the Complaint.

Best wishes,

Anne Pilsbury

Anne Pilsbury

AP:mjt

Enclosure

102 G St., S.W.
Washington, D.C. 20024

April 17, 1970

Major General J.A. McChristian
Assistant Chief for Intelligence
Department of the Army
Washington, D.C. 20310

Dear General McChristian:

In exercise of my rights as a citizen of the United States and particularly my rights under the "Freedom of Information Act" (5 USC 552 and Army Reg. 345-20), I hereby request that the Army and the Department of Defense deliver or make available any and all records which it has concerning my political, civil rights and other civilian activities, particularly the investigative file maintained by the Counter-Intelligence Analysis Division of the Army on my political activities.

A reply to this request at an early date will be appreciated.

Sincerely,

Julius W. Hobson

Maj. Gen. J. A. McChristian
Assistant Chief for Intelligence
Department of the Army
Washington, D.C. 20310

Dear General McChristian:

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~~Your attention to this request and~~ A reply to this request at an early date will be appreciated.

A Y

O W H

ACSI-CI

3 JUL 1970

Mr. Julius W. Hobson
102 G Street, SW
Washington, D.C. 20024

Dear Mr. Hobson:

This is in reply to your recent letter. Only Army intelligence and counterintelligence files are under my control. These files contain material within legitimate areas of Army intelligence and counter-intelligence jurisdiction, and/or investigative concern, as noted below. They include material furnished by U.S. Government investigative agencies and friendly foreign governments. Some of this material is the result of investigations which are within the jurisdiction of agencies other than the Army, but which develop information of legitimate concern in performing the Army activities noted below. Most of the material is these files, whether prepared by the Army or from other sources, is classified.

These files are maintained as part of the intelligence work of the Department of the Army within the United States in order to perform activities in the following areas:

a. Personnel security investigations, in order to determine whether civilian and military employees of the Army and employees of defense contractors can be granted access to classified information.

b. Special investigations pertaining to loyalty and espionage matters, concerning civilian and military employees of the Army, and

c. The gathering of information concerning activities which may adversely affect the mission or security of the Army, or require the Army to deploy its troops to assist civilian authorities in restoring order when so directed by the President.

Department of the Army policy precludes the release of specific information from such files, except to officially authorized agencies within the Executive Branch of our government. The files themselves are exempt from compulsory disclosure under various exemptions in the Public Information Section of the Administrative Procedure Act, including the first,

fourth, sixth, and seventh exemptions, and under paragraph 10, Army Regulation 345-20. I am unable, therefore, to offer you the specific information you request, or any other specific information, about their contents. The same response would also be given if an individual other than yourself were to request the same information which you requested, or other specific information, about these files. This serves not only to protect vital government interests and responsibilities but also to protect the reputations of individuals from persons who might seek to discover and publicize the inclusion of a given individual as a subject in files of this nature. It is fairly obvious, for example, that the reputation of an individual might be substantially impaired in many places if his opponents or others were able to ascertain and announce that he is a subject of the official intelligence or investigative files of the Army or another Federal agency. And, in addition, if the contents of such files as to any particular individual were available, under the Public Information Section, to the public generally, enormous damage might be done to individual reputations, without fair opportunity for the individuals involved to confront their accusers -- damage which would result even if the government determined that the information in the files does not and will not warrant official action. As to the government's interests, it is generally well established that to disclose the specific subjects of intelligence or investigative attention may well have the effect of substantially impairing or even defeating the carrying out of important governmental responsibilities, particularly in areas like those listed in paragraphs a, b, and c, above.

I may add, however, that you are not under the investigative jurisdiction of the Army, and I assure you that you are not nor have you been the subject of investigation by the Army. This, of course, does not necessarily mean that you may not be under the investigative jurisdiction of some other U.S. government agency, In addition, it does not necessarily mean that you may not have been referred to in an investigatory report of another agency which may have been furnished to the Army as a part of the files described above.

I would also note that recent public allegations that "the Army watches civilian political activities" and similar pronouncements are, to my knowledge, basically untrue. Political activities are clearly outside the Army's jurisdiction, except insofar as activities of a partly political nature may also cross over into the areas of Army responsibility listed in a, b, and c above. I assure you that we in the Army heartily subscribe to the protection of the rights of all private citizens against infringement, including their rights to engage in political activity without improper damage to their reputations from disclosures of official intelligence records. I will continue to take every step necessary to insure that U.S. Army intelligence activities do not infringe upon these rights.

ACSI-CI
Mr. Julius W. Hobson

18 JUL 1970

Pursuant to the provisions of paragraph 12, Army Regulation 345-20, you may appeal my decision to the Secretary of the Army, if you desire to do so.

Sincerely yours,

Signed

J. A. McCHRISTIAN
Major General, GS
ACofS for Intelligence

102 G St., S.W.
Washington, D.C. 20024

April 17, 1970

Major General J.A. McChristian
Assistant Chief for Intelligence
Department of the Army
Washington, D.C. 20310

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A reply to this request at an early date will be appreciated.

Sincerely,

Julius W. Hobson

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE
WASHINGTON, D.C. 20310

ACSI-CI

8 JUL 1970

Mr. Julius W. Hobson
102 G Street, SW
Washington, D.C. 20024

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Department of the Army policy prescribes the release or specific information from such files, except to officially authorized agencies within the Executive Branch of our government. The files themselves are exempt from examination under various exemptions in the Public Information Section of the Administrative Procedure Act, including the first, third, and seventh exemptions.

c. The furnishing of information concerning activities which may adversely affect the mission or security of the Army, or requires the Army to deploy its troops to assist civilian authorities in restoring order when no Civil Law is Enforced.

b. Special investigations pertaining to loyalty and espionage cases, concerning civilian and military employees of the Army, and

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These files are maintained as part of the investigative work of the Department of the Army which the United States in order to perform authorities in the following areas:

Date is in reply to your request letter. Only Army intelligence and counterintelligence files are under my control. These files primarily contain material which is specifically authorized for collection in the interest of Army internal security. Many investigative records, as used below. Many include material furnished by U.S. Government agencies and personnel in the result of investigations which the Army, in addition of agencies other than the Army, may obtain information concerning in letter from any of the Army or individuals whose names appear in files, or furnished by the Army or other agencies, as circumstances dictate.

fourth, sixth, and seventh exemptions, and under paragraph 10, Army Regulation 345-20. I am unable, therefore, to offer you the specific information you request, or any other specific information, about their contents. The same response would also be given if an individual other than yourself were to request the same information which you requested, or other specific information, about these files. This serves not only to protect vital government interests and responsibilities but also to protect the reputations of individuals from persons who might seek to discover and publicize the inclusion of a given individual as a subject in files of this nature. It is fairly obvious, for example, that the reputation of an individual might be substantially impaired in many places if his opponents or others were able to ascertain and announce that he is a subject of the official intelligence or investigative files of the Army or another Federal agency. And, in addition, if the contents of such files as to any particular individual were available, under the Public Information Section, to the public generally, enormous damage might be done to individual reputations, without fair opportunity for the individuals involved to confront their accusers -- damage which would result even if the government determined that the information in the files does not and will not warrant official action. As to the government's interests, it is generally well established that to disclose the specific subjects of intelligence or investigative attention may well have the effect of substantially impairing or even defeating the carrying out of important governmental responsibilities, particularly in areas like those listed in paragraphs a, b, and c, above.

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3 JUL 1970

ACSI-CI
Mr. Julius W. Hobson

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Sincerely yours,

J. A. McChristian

J. A. McCHRISTIAN
Major General, GS
ACofS for Intelligence

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON
901 6th Street, S. W.
Apt. 214-A
Washington, D. C. 20024
(202) 724-8072

ABE BLOOM
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Washington, D. C. 20036
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Washington, D. C. 20009
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WASHINGTON PEACE CENTER
2111 Florida Avenue, N. W.
Washington, D. C. 20008
(202) 234-2000

WASHINGTON AREA WOMEN STRIKE
FOR PEACE
120 Maryland Avenue, N.E.
Washington, D. C. 20002
(202) 546-7397

EMERGENCY COMMITTEE ON THE
TRANSPORTATION CRISIS
1015 Dupont Circle Building
1346 Connecticut Avenue, N.W.
Washington, D. C. 20036
(202) 296-4350

Civil Action No. 76-1320

REGINALD H. BOOKER
459 Leray Place, N. W.
Washington, D. C. 20010
(202) 723-3330

Plaintiffs

v.

CHIEF JERRY V. WILSON (Retired)
Metropolitan Police Department
4415 Springdale Street, N. W.
Washington, D. C.

CHIEF JOHN B. LAYTON (Retired)
Metropolitan Police Department
1845 Redwood Terrace, N. W.
Washington, D. C.

INSPECTOR ROBERT L. ZINK
Metropolitan Police Department
Intelligence Division
300 Indiana Avenue, N. W.
Washington, D. C.

INSPECTOR ALBERT W. FERGUSON
Metropolitan Police Department
Field Inspection Division
300 Indiana Avenue, N. W.
Washington, D. C.

INSPECTOR THOMAS J. HERLIHY
Metropolitan Police Department
300 Indiana Avenue, N. W.
Washington, D. C.

ASST. POLICE CHIEF THEODORE R. ZANDERS
Metropolitan Police Department
300 Indiana Avenue, N. W.
Washington, D. C.

SGT. CHRISTOPHER J. SCRAPPER
Metropolitan Police Department
1st District
415 Fourth Street, S. W.
Washington, D. C.

SGT. DIXIE GILDON
Metropolitan Police Department
1st District
415 Fourth Street, S. W.
Washington, D. C.

EDWARD J. JAGEN
Metropolitan Police Department
Intelligence Division
300 Indiana Avenue, N. W.
Washington, D. C.

CAPT. GEORGE R. SUTER
Metropolitan Police Department
Administrative Duty Branch
300 Indiana Avenue, N. W.
Washington, D. C.

LT. ALBERT JOHNSON, JR.
Metropolitan Police Department
2nd District
3320 Idaho Avenue, N. W.
Washington, D. C.

HAROLD BYNUM
Metropolitan Police Department
4th District
6001 Georgia Avenue, N. W.
Washington, D. C.

CHARLES C. ROBINSON
Metropolitan Police Department
6th District
4135 Benning Road, N. E.
Washington, D. C.

CARL SHOFFLER
Metropolitan Police Department
Intelligence Division
300 Indiana Avenue, N. W.
Washington, D. C.

JOHN W. MAHANEY
Metropolitan Police Department
Morals Division
300 Indiana Avenue
Washington, D. C.

ANN KOLEGO MARKOVICH
4401 Q Street, N. W.
Washington, D. C.

JAMES BINSTED
4812 MacArthur Boulevard
Washington, D. C.

DORIE BINSTED
4812 MacArthur Boulevard
Washington, D. C.

THOMAS FULCHER
(address unknown)

UNKNOWN AGENTS
Metropolitan Police Department
Washington, D. C.

DISTRICT OF COLUMBIA
A Municipal Corporation
Serve: Walter E. Washington,
Mayor
14th & E St., N.W.
Washington, D. C.

CLARENCE M. KELLEY)
Director, Federal Bureau of)
Investigation)
J. Edgar Hoover Building)
Washington, D. C.)
)
WILLIAM C. SULLIVAN)
Assistant Director (Retired))
Federal Bureau of Investigation)
Sunset Road)
Sugar Hill, New Hampshire 03585)
)
CHARLES BRENNAN)
Assistant Director (Retired))
Federal Bureau of Investigation)
(address unknown))
)
NICK STAMES)
Special Agent in Charge)
Washington Field Office, FBI)
12th & Pennsylvania Ave.,N.W.)
Washington, D. C. 20535)
)
ROBERT G. KUNKEL)
Special Agent in Charge)
Alexandria Field Office, FBI)
Room 500)
300 N. Lee Street)
Alexandria, Virginia 22314)
)
JOHN J. McDERMOTT)
Federal Bureau of Investigation)
J. Edgar Hoover Building)
Washington, D. C.)
)
TERRY O'CONNOR)
Washington Field Office, FBI)
OPO Building)
12th & Pennsylvania Ave., N. W.)
Washington, D. C. 20001)
)
CHARLES M. SAWYER)
Washington Field Office, FBI)
OPO Building)
12th & Pennsylvania Ave., N. W.)
Washington, D. C.)
)
ROBERT E. YATES)
Washington Field Office, FBI)
OPO Building)
12th & Pennsylvania Ave., N. W.)
Washington, D. C.)
)
ROBERT W. FEUER)
Washington Field Office, FBI)
OPO Building)
12th & Pennsylvania Ave., N. W.)
Washington, D. C.)

DAVID BARRITY
Washington Field Office, FBI
OPO Building
12th & Pennsylvania Ave., N. W.
Washington, D. C.

UNKNOWN AGENTS
Washington Field Office, FBI
Washington, D. C.

Defendants

COMPLAINT
(Damages and Injunctive Relief)

JURISDICTION

1. This is an action for damages for violation plaintiffs' First, Fourth, Fifth and Ninth Amendment ri for violation of 42 U.S.C. §§1985(3) and 1986, for viol of Federal and District of Columbia laws governing the ception of oral communications, and for trespass, conve and invasion of privacy.

2. The jurisdiction of the Court is based on 28 §§1331; 1343(1), (2) and (4); 1337; and 1355. The amou controversy exceeds $10,000, exclusive of interest and for each plaintiff.

PARTIES

Plaintiffs

3. Julius Hobson, resident of the District of C and member of the D. C. City Council, has been an activ in community activities, including the anti-war movemen before 1964 through the present.

4. Abraham Bloom, an electronic engineer and a of Maryland, has been, since before 1964, active in com affairs including the anti-war movement and was one of principal organizers of the Washington Area Peace Actio tion and is its present chairperson.

5. Arthur Waskow, a resident of the District of Columbia, has since 1964 been a fellow at the Institute for Policy Studies, a private social research organization.

6. Tina Hobson, a resident of the District of Columbia and an employee of the Federal Energy Administration, has been an active leader in community affairs, including the anti-war movement and the women's movement since before 1964 through the present. From 1967 through 1969, she was Director of the Federal Women's Program at the U. S. Civil Service Commission.

7. Reverend David Eaton, a resident of the District of Columbia, has been since 1969 the Minister of All Souls' Unitarian Universalist Church in Washington, D. C., and has been since before 1964 an active leader in community affairs, including the anti-war movement.

8. Sammie Abbott, a resident of Maryland and a graphic artist, has been since before 1964 an active leader in community affairs, including the anti-war movement, and is publicity coordinator for the Emergency Committee on the Transportation Crisis.

9. Richard Pollock, a resident of the District of Columbia, is a free-lance journalist and was active in the anti-war movement as a college student (1969-1971) and subsequently.

10. The Washington Peace Center is a private, non-profit organization having as one of its chief goals the diversion of government spending from military armaments to peaceful, domestic programs and which has, since 1964 through the present, carried out local and nationwide programs to further these goals.

11. Washington Area Women Strike for Peace (WSP), the local branch of the national Women's Strike for Peace, is a private, non-profit organization whose goals and activities

are dedicated to mobilizing women as a force for peace both in their own communities and in the nation and in an effort to achieve their goal, WSP, from 1964 through the present, organized meetings, marches and demonstrations of women and men to express their members' opposition to the United States' military involvement in Indochina.

12. The Emergency Committee on the Transportation Crisis is a private, non-profit association of local area residents opposed to unnecessary and excessive freeway construction in the District of Columbia and environs and who urge and support local government efforts to plan for human beings rather than solely for automobile travel and storage; ECTC has been active since 1965.

13. Reginald H. Booker, a resident of the District of Columbia and an employee of the D. C. Department of Human Resources, is Vice-President of the Black United Front, an organization he helped establish in 1967.

Defendants

14. Defendant John B. Layton and his successor, defendant Jerry V. Wilson, served successive terms as Chief of the Police Department of the District of Columbia during the period relevant to this complaint, viz. 1964-1974. As Chief of Police, defendants Layton and Wilson were responsible for the formulation, administration and implementation of Metropolitan Police Department policy and practices concerning political surveillance. Defendants Zanders, Zink, Ferguson and Herlihy had supervisory responsibility for the operations of the Intelligence Division of the D. C. Police Department during some or all of the period 1964-1974.

15. Defendants Gildon, Shoffler, Ferguson, Suter, Leper, Johnson, Bynum, Jagen, Robinson, and Mahaney are members

of the Metropolitan Police Department and were employed by or assigned to the Intelligence Division of the Police Department during some or all of the period 1964-1974.

16. Defendants Markovich, Binsted, Fulcher and other unknown persons were paid informants of the Metropolitan Police Department during the period of 1964-1974.

17. Clarence M. Kelley is Director of the Federal Bureau of Investigation (FBI), a position he has occupied since July, 1973.

18. William C. Sullivan, a resident of New Hampshire, is a retired official of the FBI and was during most of the period 1964-1974 Assistant Director of the FBI in charge of the Intelligence Division and had responsibility for administering, inter alia, the FBI's counter-intelligence programs.

19. Charles D. Brennan is a retired official of the FBI who, during most of the period 1964-1974, was assigned to the Intelligence Division where he had responsibility, inter alia, for developing FBI policies vis-a-vis the New Left.

20. Robert G. Kunkel is the Special Agent in Charge (SAC) of the Alexandria Field Office of the FBI and was from an unknown time and until 1971 the Special Agent in Charge (SAC) of the Washington, D. C. Field Office.

21. John J. McDermott is an employee of the FBI currently assigned to duty in the J. Edgar Hoover Building and who was from 1971-1973 the SAC of the Washington, D. C. Field Office.

22. Nick Stames is currently the SAC of the Washington, D. C. Field Office.

23. David Rarrity, Charles M. Sawyer, Robert E. Yates, Robert W. Feuer, Terry O'Connor, and William Tucker were employed of the Washington Field Office of the FBI during part or all of the period 1964-1974.

24. The District of Columbia is responsible for the acts and liabilities of its employees and agents.

FACTS

25. From 1967 or 1968 to 1974, the defendant D. C. supervisory officials authorized or acquiesced, and the defendant D. C. agents and informers participated in, various activities of surveillance, disruption and interference aimed at plaintiffs and others who engaged in demonstrations and other forms of political activity in the District of Columbia, with particular emphasis on persons and groups active in the anti-Vietnam War movement. These activities were conducted chiefly through the Intelligence Division of the Metropolitan Police Department. Large sums of money, including $70,000 in fiscal 1972, were used by the defendant D. C. supervisory officials and agents to pay the defendant informers to participate in these activities.

26. The surveillance actions of defendant D. C. officials, agents and informers against plaintiffs included using undercover agents to fraudulently gain entry to private meetings to learn the plans and programs of plaintiffs, electronic surveillance without judicial authorization, breaking and entering to obtain membership lists and other private political documents, mail interception, and physical surveillance, that is, surreptitiously following plaintiffs and monitoring plaintiffs' activities.

27. Efforts by defendants or their agents to disrupt and interfere with the plaintiffs' political activities included, but were not limited to, urging violent or unlawful actions, and supplying the public and/or news media with false information about the plaintiffs and their plans.

28. The defendant FBI officials and agents engaged in the same activities against the plaintiffs from 1968 to 1973 as those described in paragraphs 25 through 27, above.

29. Some or all of the activities of defendants described in paragraphs 25 through 28, above, were conducted pursuant to a plan formulated by the FBI and/or the Metropolitan Police Department to conduct surveillance upon and to disrupt the activities of certain political groups viewed by said defendants as the "New Left."

30. Some or all of the activities of defendants described in paragraphs 25 through 29, above, were conducted pursuant to a plan formulated in 1968 by defendants Sullivan and Brennan and other unknown FBI officials, known as "COINTEL: New Left." This program was designed to conduct surveillance upon and to cause disruption of the activities of what the defendants regarded as the "New Left." Defendant FBI supervisor officials directed the field offices of the FBI to participate in this program.

31. The Washington, D. C. field office of the FBI, directed successively by defendants Stames, Kunkel, and McDermot as Special Agent in Charge, participated in the COINTELPRO program, and solicited and received the active participation in that program of defendant D. C. supervisory officials, agents and informers.

32. The aforementioned activities of the defendants were purportedly conducted pursuant to their official capacities and were conducted by said defendants, individually or in conce:

(a) Knowing such actions to be illegal and with the intention of injuring plaintiffs; or

(b) With reckless disregard of plaintiffs' ri

(c) Without reasonable basis to believe such actions were legal; or

(d) Through negligently failing to know or inquire concerning the legality of such actions; or

(e) As a conspiracy or part of a conspiracy by the D. C. defendants or the FBI defendants or both groups of defendants to violate plaintiffs' First and Fifth Amendment rights.

33. In 1975 and at other times, the defendants, including in particular the defendant Sanders, attempted to conceal the aforementioned tortious actions of the other defendants, or conspired to conceal them, by destroying many of the records of the aforementioned illegal activities after their actions had been publicly exposed.

WRONGS

34. The aforementioned actions of defendants violated plaintiffs' rights in one or more of the following respects:

(a) They violate plaintiffs' rights under the First and Fifth amendments of the United States Constitution;

(b) They violate plaintiffs' rights under the Fourth Amendment of the United States Constitution, and plaintiffs' common law rights against trespass and conversion;

(c) They violate plaintiffs' constitutional and common law rights of privacy in their affairs, privacy in their beliefs, and privacy in their political discussions, beliefs and associations;

(d) They violate plaintiffs' rights under 42 U.S.C. 1986 by defendants' failure to exercise the power they possessed to prevent or aid in preventing the illegal acts and conspiracy described herein;

(e) They violate plaintiffs' rights under 18 U.S.C. 2520; 23 D. C. Code 554; and 18 U.S.C. 1702; and

(f) They constitute a conspiracy in violation of 42 U.S.C. 1985(3).

INJURIES

35. The foregoing actions of defendants injured plaintiffs by violating their constitutional rights, by impeding their efforts to bring about a hasty conclusion to the Vietnam War, by otherwise impeding lawful political efforts of plaintiffs, by falsely tainting plaintiffs' efforts and movement and thus preventing the plaintiffs from attracting even greater and more rapid and effective public support than they did, and by causing apprehension among the public concerning the freedom and privacy of engaging in political activity so as to permanently injure plaintiffs' efforts to gain greater participation in and acceptance of their political causes and objectives.

RELIEF

WHEREFORE, Plaintiffs pray for judgment against each defendant, jointly and severally, as follows:

1. Awarding each plaintiff $50,000 compensatory and $100,000 punitive damages for conspiracy to violate plaintiffs' constitutional and other rights;

2. Awarding each plaintiff $10,000 compensatory and $20,000punitive damages for violation of First Amendment rights;

3. Awarding each plaintiff $10,000 compensatory and $20,000 punitive damages for violation of Fourth Amendment rights, or trespass and conversion;

4. Awarding each plaintiff $100 per day compensatory damages (or $1,000, if greater) for each day upon which the

defendants intercepted plaintiffs' oral communication in violation of 18 U.S.C. 2520 or 23 D.C. Code 554;

5. An injunction ordering the defendants to produce forthwith any and all files of a non-criminal nature on the plaintiffs' political activities, affiliations, and beliefs and to destroy any copies of or references to said records in any files under the control or supervision of the defendants;

6. Awarding plaintiffs costs; and

7. Such other relief as the Court deems just.

The plaintiffs demand
a trial by jury.

David Rein
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Filed: July ____, 1976.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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EMERGENCY COMMITTEE ON THE
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1346 Connecticut Avenue, N.W.
Washington, D. C. 20036
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Civil Action No.

REGINALD H. BOOKER)
459 Luray Place, N. W.)
Washington, D. C. 20010)
(202) 723-3330)
)
Plaintiffs)
)
v.)
)
CHIEF JERRY V. WILSON (Retired))
Metropolitan Police Department)
4415 Springdale Street, N. W.)
Washington, D. C.)
)
CHIEF JOHN B. LAYTON (Retired))
Metropolitan Police Department)
1845 Redwood Terrace, N. W.)
Washington, D. C.)
)
INSPECTOR ROBERT L. ZINK)
Metropolitan Police Department)
Intelligence Division)
300 Indiana Avenue, N. W.)
Washington, D. C.)
)
INSPECTOR ALBERT W. FERGUSON)
Metropolitan Police Department)
Field Inspection Division)
300 Indiana Avenue, N. W.)
Washington, D. C.)
)
INSPECTOR THOMAS J. HERLIHY)
Metropolitan Police Department)
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)
ASST. POLICE CHIEF THEODORE R.)
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)
SGT. CHRISTOPHER J. SCRAPPER)
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)
SGT. DIXIE GILDON)
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)
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)
DORIE BINSTED)
4812 MacArthur Boulevard)
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)
THOMAS FULCHER)
(address unknown))
)
UNKNOWN AGENTS)
Metropolitan Police Department)
Washington, D. C.)
)
DISTRICT OF COLUMBIA)
A Municipal Corporation)
Serve: Walter E. Washington,)
Mayor)
14th & E St., N.W.)
Washington, D. C.)

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)
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)
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)
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Washington, D. C.)
)
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Washington Field Office, FBI)
OPO Building)
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)
ROBERT W. FEUER)
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DAVID RARRITY)
Washington Field Office, FBI)
OPO Building)
12th & Pennsylvania Ave., N. W.)
Washington, D. C.)
)
UNKNOWN AGENTS)
Washington Field Office, FBI)
Washington, D. C.)
)
Defendants)
)

COMPLAINT
(Damages and Injunctive Relief)

JURISDICTION

1. This is an action for damages for violation of the plaintiffs' First, Fourth, Fifth and Ninth Amendment rights, for violation of 42 U.S.C. §§1985(3) and 1986, for violation of Federal and District of Columbia laws governing the interception of oral communications, and for trespass, conversion and invasion of privacy.

2. The jurisdiction of the Court is based on 28 U.S.C. §§1331; 1343(1), (2) and (4); 1337; and 1355. The amount in controversy exceeds $10,000, exclusive of interest and costs, for each plaintiff.

PARTIES

Plaintiffs

3. Julius Hobson, resident of the District of Columbia, and member of the D. C. City Council, has been an active leader in community activities, including the anti-war movement since before 1964 through the present.

4. Abraham Bloom, an electronic engineer and a resident of Maryland, has been, since before 1964, active in community affairs including the anti-war movement and was one of the principal organizers of the Washington Area Peace Action Coalition and is its present chairperson.

5. Arthur Waskow, a resident of the District of Columbia, has since 1964 been a fellow at the Institute for Policy Studies, a private social research organization.

6. Tina Hobson, a resident of the District of Columbia and an employee of the Federal Energy Administration, has been an active leader in community affairs, including the anti-war movement and the women's movement since before 1964 through the present. From 1967 through 1969, she was Director of the Federal Women's Program at the U. S. Civil Service Commission.

7. Reverend David Eaton, a resident of the District of Columbia, has been since 1969 the Minister of All Souls' Unitarian Universalist Church in Washington, D. C., and has been since before 1964 an active leader in community affairs, including the anti-war movement.

8. Sammie Abbott, a resident of Maryland and a graphic artist, has been since before 1964 an active leader in community affairs, including the anti-war movement, and is publicity coordinator for the Emergency Committee on the Transportation Crisis.

9. Richard Pollock, a resident of the District of Columbia, is a free-lance journalist and was active in the anti-war movement as a college student (1969-1971) and subsequently.

10. The Washington Peace Center is a private, non-profit organization having as one of its chief goals the diversion of government spending from military armaments to peaceful, domestic programs and which has, since 1964 through the present, carried out local and nationwide programs to further these goals.

11. Washington Area Women Strike for Peace (WSP), the local branch of the national Women's Strike for Peace, is a private, non-profit organization whose goals and activities

are dedicated to mobilizing women as a force for peace both in their own communities and in the nation and in an effort to achieve their goal, WSP, from 1964 through the present, organized meetings, marches and demonstrations of women and men to express their members' opposition to the United States' military involvement in Indochina.

12. The Emergency Committee on the Transportation Crisis is a private, non-profit association of local area residents opposed to unnecessary and excessive freeway construction in the District of Columbia and environs and who urge and support local government efforts to plan for human beings rather than solely for automobile travel and storage; ECTC has been active since 1965.

13. Reginald H. Booker, a resident of the District of Columbia and an employee of the D. C. Department of Human Resources, is Vice-President of the Black United Front, an organization he helped establish in 1967.

Defendants

14. Defendant John B. Layton and his successor, defendant Jerry V. Wilson, served successive terms as Chief of the Police Department of the District of Columbia during the period relevant to this complaint, viz. 1964-1974. As Chief of Police, defendants Layton and Wilson were responsible for the formulation, administration and implementation of Metropolitan Police Department policy and practices concerning political surveillance. Defendants Zanders, Zink, Ferguson and Herlihy had supervisory responsibility for the operations of the Intelligence Division of the D. C. Police Department during some or all of the period 1964-1974.

15. Defendants Gildon, Shoffler, Ferguson, Suter, Scrapper, Johnson, Bynum, Jagen, Robinson, and Mahaney are members

of the Metropolitan Police Department and were employed by or assigned to the Intelligence Division of the Police Department during some or all of the period 1964-1974.

16. Defendants Markovich, Binsted, Fulcher and other unknown persons were paid informants of the Metropolitan Police Department during the period of 1964-1974.

17. Clarence M. Kelley is Director of the Federal Bureau of Investigation (FBI), a position he has occupied since July, 1973.

18. William C. Sullivan, a resident of New Hampshire, is a retired official of the FBI and was during most of the period 1964-1974 Assistant Director of the FBI in charge of the Intelligence Division and had responsibility for administering, inter alia, the FBI's counter-intelligence programs.

19. Charles D. Brennan is a retired official of the FBI who, during most of the period 1964-1974, was assigned to the Intelligence Division where he had responsibility, inter alia, for developing FBI policies vis-a-vis the New Left.

20. Robert G. Kunkel is the Special Agent in Charge (SAC) of the Alexandria Field Office of the FBI and was from an unknown time and until 1971 the Special Agent in Charge (SAC) of the Washington, D. C. Field Office.

21. John J. McDermott is an employee of the FBI currently assigned to duty in the J. Edgar Hoover Building and who was from 1971-1973 the SAC of the Washington, D. C. Field Office.

22. Nick Stames is currently the SAC of the Washington, D. C. Field Office.

23. David Rarrity, Charles M. Sawyer, Robert E. Yates, Robert W. Feuer, Terry O'Connor, and William Tucker were employees of the Washington Field Office of the FBI during part or all of the period 1964-1974.

24. The District of Columbia is responsible for the acts and liabilities of its employees and agents.

FACTS

25. From 1967 or 1968 to 1974, the defendant D. C. supervisory officials authorized or acquiesced, and the defendant D. C. agents and informers participated in, various activities of surveillance, disruption and interference aimed at plaintiffs and others who engaged in demonstrations and other forms of political activity in the District of Columbia, with particular emphasis on persons and groups active in the anti-Vietnam War movement. These activities were conducted chiefly through the Intelligence Division of the Metropolitan Police Department. Large sums of money, including $70,000 in fiscal 1972, were used by the defendant D. C. supervisory officials and agents to pay the defendant informers to participate in these activities.

26. The surveillance actions of defendant D. C. officials, agents and informers against plaintiffs included using undercover agents to fraudulently gain entry to private meetings to learn the plans and programs of plaintiffs, electronic surveillance without judicial authorization, breaking and entering to obtain membership lists and other private political documents, mail interception, and physical surveillance, that is, surreptitiously following plaintiffs and monitoring plaintiffs' activities.

27. Efforts by defendants or their agents to disrupt and interfere with the plaintiffs' political activities included, but were not limited to, urging violent or unlawful actions, and supplying the public and/or news media with false information about the plaintiffs and their plans.

28. The defendant FBI officials and agents engaged in the same activities against the plaintiffs from 1968 to 1973 as those described in paragraphs 25 through 27, above.

29. Some or all of the activities of defendants described in paragraphs 25 through 28, above, were conducted pursuant to a plan formulated by the FBI and/or the Metropolitan Police Department to conduct surveillance upon and to disrupt the activities of certain political groups viewed by said defendants as the "New Left."

30. Some or all of the activities of defendants described in paragraphs 25 through 29, above, were conducted pursuant to a plan formulated in 1968 by defendants Sullivan and Brennan and other unknown FBI officials, known as "COINTELPRO/New Left." This program was designed to conduct surveillance upon and to cause disruption of the activities of what the defendants regarded as the "New Left." Defendant FBI supervisory officials directed the field offices of the FBI to participate in this program.

31. The Washington, D. C. field office of the FBI, directed successively by defendants Stames, Kunkel, and McDermott, as Special Agent in Charge, participated in the COINTELPRO program, and solicited and received the active participation in that program of defendant D. C. supervisory officials, agents, and informers.

32. The aforementioned activities of the defendants were purportedly conducted pursuant to their official capacities, and were conducted by said defendants, individually or in concert:

(a) Knowing such actions to be illegal and with the intention of injuring plaintiffs; or

(b) With reckless disregard of plaintiffs' rights; or

(c) Without reasonable basis to believe such actions were legal; or

(d) Through negligently failing to know or inquire concerning the legality of such actions; or

(e) As a conspiracy or part of a conspiracy by the D. C. defendants or the FBI defendants or both groups of defendants to violate plaintiffs' First and Fifth Amendment rights.

33. In 1975 and at other times, the defendants, including in particular the defendant Zanders, attempted to conceal the aforementioned tortious actions of the other defendants, or conspired to conceal them, by destroying many of the records of the aforementioned illegal activities after their actions had been publicly exposed.

WRONGS

34. The aforementioned actions of defendants violated plaintiffs' rights in one or more of the following respects:

(a) They violate plaintiffs' rights under the First and Fifth amendments of the United States Constitution;

(b) They violate plaintiffs' rights under the Fourth Amendment of the United States Constitution, and plaintiffs' common law rights against trespass and conversion;

(c) They violate plaintiffs' constitutional and common law rights of privacy in their affairs, privacy in their beliefs, and privacy in their political discussions, beliefs and associations;

(d) They violate plaintiffs' rights under 42 U.S.C. 1986 by defendants' failure to exercise the power they possessed to prevent or aid in preventing the illegal acts and conspiracy described herein;

(e) They violate plaintiffs' rights under 18 U.S.C. 2520; 23 D. C. Code 554; and 18 U.S.C. 1702; and

(f) They constitute a conspiracy in violation of 42 U.S.C. 1985(3).

INJURIES

35. The foregoing actions of defendants injured plaintiffs by violating their constitutional rights, by impeding their efforts to bring about a hasty conclusion to the Vietnam War, by otherwise impeding lawful political efforts of plaintiffs, by falsely tainting plaintiffs' efforts and movement and thus preventing the plaintiffs from attracting even greater and more rapid and effective public support than they did, and by causing apprehension among the public concerning the freedom and privacy of engaging in political activity so as to permanently injure plaintiffs' efforts to gain greater participation in and acceptance of their political causes and objectives.

RELIEF

WHEREFORE, Plaintiffs pray for judgment against each defendant, jointly and severally, as follows:

1. Awarding each plaintiff $50,000 compensatory and $100,000 punitive damages for conspiracy to violate plaintiffs' constitutional and other rights;

2. Awarding each plaintiff $10,000 compensatory and $20,000punitive damages for violation of First Amendment rights;

3. Awarding each plaintiff $10,000 compensatory and $20,000 punitive damages for violation of Fourth Amendment rights, or trespass and conversion;

4. Awarding each plaintiff $100 per day compensatory damages (or $1,000, if greater) for each day upon which the

defendants intercepted plaintiffs' oral communication in violation of 18 U.S.C. 2520 or 23 D.C. Code 554;

5. An injunction ordering the defendants to produce forthwith any and all files of a non-criminal nature on the plaintiffs' political activities, affiliations, and beliefs and to destroy any copies of or references to said records in any files under the control or supervision of the defendants;

6. Awarding plaintiffs costs; and

7. Such other relief as the Court deems just.

The plaintiffs demand
a trial by jury.

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Filed: July ____, 1976.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.	)	
	)	
Plaintiffs	)	
(	)	Civil Action No. 76-1326
v.	)	
	)	
JERRY V. WILSON, et al.	)	
	)	
Defendants.	)	
	)	
	)	

RESPONSE BY DEFENDANTS KELLEY AND STAMES, IN THEIR OFFICIAL CAPACITIES, TO PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANTS KELLEY, SULLIVAN, KUNKEL, MC DERMOTT AND STAMES

Pursuant to the provisions of Rule 33 of the Federal Rules of Civil Procedure, now comes David G. Flanders, a Supervisory Special Agent of the Federal Bureau of Investigation (FBI), assigned to the Bureau's Legal Counsel Division in Washington, D. C., having been designated to respond on behalf of Defendant Kelley in his official capacity as Director of the FBI and Defendant Stames in his official capacity as Special Agent in Charge of the Bureau's Washington Field Office to Plaintiffs' First Set of Interrogatories to Defendants Kelley, Sullivan, Kunkel, Mc Dermott and Stames, and on the basis of information contained in the files of the FBI made known to him in his official capacity aforesaid, deposes and answers those of Plaintiffs' said interrogatories not objected to by Defendants' undersigned attorneys, as follows:

1. Please state whether the Washington Field Office (WFO) of the FBI and/or the Headquarters of the FBI have files on each of the Plaintiffs as a result of an internal security or domestic intelligence investigation.

Answer to Interrogatory 1: WFO has files on each of the Plaintiffs, except Tina Hobson, as a result of an internal security or domestic intelligence investigation. In regard to Plaintiff Washington Area Women Strike For Peace, this

file exists in WFO under the organization name Women Strike For Peace and is believed to be identical to Plaintiff Washington Area Women Strike For Peace.

FBI Headquarters (FBIHQ) has files on each of the Plaintiffs, except Tina Hobson, as a result of an internal security or domestic intelligence investigation. In regard to Plaintiff Washington Area Women Strike For Peace, a file exists at FBIHQ under the organization name Women Strike For Peace and is believed to contain information concerning Plaintiff Washington Area Women Strike For Peace.

2. In each case where the answer to the first interrogatory is affirmative, state the following in regard to each Plaintiff:

(a) date file was opened;

(b) whether there was a full-scale (as opposed to preliminary 90-day) investigation done;

(c) the statutory basis for the investigation;

(d) whether file has been closed and, if so, the date;

(e) whether the Plaintiff was ever designated as a "subversive," "extremist," "Key Black Extremist," or "Key Activist;"

(f) whether the Plaintiff was listed on any of the following indexes during the period 1964-1974, and, if the response is affirmative, which such indexes:

Reserve Index

Rabble-rouser or Agitator Index

Stop Index

ADEX

(g) whether copies of FBI reports on Plaintiffs were transmitted to other Federal or local government offices or agencies outside the FBI (including Internal Security Division, Department of Justice) and, if so, which such offices.

Objection in part to Interrogatory 2: Defendants object to subsection (c) of this interrogatory on the ground that they are not required to disclose policy information such as the reason for taking certain action which would include the statutory basis for initiating investigation of Plaintiffs:

Answer in part to Interrogatory 2: Insofar as responses to 2(a)(b) and (d) are concerned, they apply to WFO files. FBIHQ files are not maintained in a way which would lend itself to an applicable response to these subsections.

Julius Hobson

(a) Dead file established 4/19/61
Domestic intelligence file opened 5/31/63

(b) "Full Scale" investigation

(d) Closed 2/24/69
Reopened 4/18/69
From 5/17/69 the case was reopened and closed on a semiannual basis until 10/16/72 when it was closed

(e) No

(f) Yes - Rabble-rouser Index, Agitator Index and Administrative Index (ADEX)

(g) Yes - Department of Justice (DOJ)
Attorney General (AG)
Deputy AG
Civil Rights Division (CRD)
Internal Security Division (ISD)
Interdivisional Information Unit (IDIU)
White House
U. S. Army (ACSI, USAINTC, G2)
U. S. Navy (ONI)
U. S. Air Force (OSI)
U. S. Secret Service (USSS)
Assistant U. S. Attorney
Defense Intelligence Organization (DIO)-M.D.W.
116th Military Intelligence Group (116th MIG)

Abe Bloom

(a) February, 1944

(b) "Full Scale" investigation

(d) This file was opened in the WFO in February, 1944, and closed in April, 1944. The file was reopened in May, 1944, and closed in September, 1944. In August, 1949, this file was opened and closed March, 1950. In May, 1951, this file was reopened and closed in December, 1951. From November, 1952, through June, 1973, the file was reopened and closed on Bloom for administrative purposes.

(e) No

(f) Yes - ADEX

(g) Yes - Department of Justice - (Records and Operations-RAO)
USSS
U. S. Navy (ONI)
U. S. Air Force (OSI)
116th MIG

Arthur I. Waskow

(a) September 14, 1962

(b) "Full Scale" investigation

(d) Closed on November 16, 1962. From 1967 through 1969, the file was reopened and closed twice. From December 8, 1969, to October 20, 1970, the file was opened on a quarterly basis. File was reopened on January 25, 1971, and closed on November 28, 1973.

(e) Yes

(f) Yes - ADEX

(g) Yes - DOJ (ISD, RAO)
USSS
Department of State
U. S. Information Agency
U. S. Air Force (OSI)
U. S. Navy (ONI)
Internal Revenue Service (IRS)
U. S. Army (ACSI)
Central Intelligence Agency (CIA)
National Security Counsel

Reverend David Eaton

(a) 7/23/68

(b) "Full Scale" investigation

(d) Closed on July 30, 1969. Between 1969 and 1970 the file was reopened and closed on a semiannual or quarterly basis. The case was closed on May 22, 1970.

(e) No

(f) Yes - Rabble-rouser Index, Agitator Index, ADEX

(g) Yes - DOJ (ISD, RAO and IDIU)
U. S. Army (Asst. Chief of Staff for Intelligence)
USSS
Department of Agriculture
Assistant U. S. Attorney
U. S. Air Force (OSI)
116th MIG
U. S. Navy (NISO)

Sammy A. Abbott

(a) 12/1/41

(b) "Full Scale" investigation

(d) Closed in 1942. Reopened in April, 1946, and closed in September, 1947. Reopened on September 27, 1949, and closed on December 18, 1950. Reopened February 17, 1951, and closed on January 19, 1959. On February 4, 1959, it was reopened and on May 18, 1960, the file was closed.

(e) No

(f) Yes - ADEX

(g) Yes - DOJ (RAO)
USSS
CIA
U. S. Army (ACSI)
Department of Defense
Defense Intelligence Security Clearance Office
National Agency Check Center

Richard P. Pollock

(a) March, 1971

(b) "Full Scale" investigation

(d) Closed May, 1972. Reopened in September, 1972, and closed January, 1973.

(e) No

(f) Yes - ADEX

(g) Yes - DOJ (RAO)
Department of State
CIA
Department of Defense (DIA)
USSS

Washington Peace Center

(a) Initiated as a "dead" file in February, 1964
Opened in November, 1964

(b) No "Full Scale" investigation

(d) Closed, November, 1964
Opened and Closed, April, 1965

(e) No

(f) No

(g) Yes - USSS
U. S. Air Force (ONI)
U. S. Park Police (USPP)
U. S. Navy (OSI)

Washington Area Women Strike For Peace

(a) October, 1961 (see answer to Interrogatory 1)

(b) No "Full Scale" investigation

(d) This file was started as a "dead" file in 1961. It was opened in October, 1961, and closed on November 1, 1961. Reopened in March and April, 1962, and closed the same months. In January, 1963, the file was reopened and closed on February 15, 1963. From May, 1963, through May, 1965, this file was reopened and closed five times. It was reopened in February, 1965, and closed in May, 1965. In June, 1965, the file was reopened and closed on October 1, 1973.

(e) No

(f) No

(g) Yes - U. S. Navy (OSI) (NISO)
U. S. Air Force (ONI)
Military District of Washington
USSS
Defense Intelligence Organization
Assistant U. S. Attorney
116th MIG
General Services Administration (GSA)
USPP
Metropolitan Police, Washington, D. C. (MPD)

Emergency Committee On
The Transporation Crises

(a) October, 1967

(b) "Full Scale" investigation

(d) Closed November, 1967
Reopened August, 1968
Closed April, 1972

(e) No

(f) No

(g) Yes - White House
Vice President
U. S. Department of State
CIA
DOJ (AG, DAG, CRD, ISD, RAO, IDIU)
U. S. Army (USAINTC, ACSI)
U. S. Navy (ONI, NISO)
U. S. Air Force (OSI)
USSS
GSA
Civil Service Commission (CSC)
Assistant U. S. Attorney
116th MIG

Reginald H. Booker

(a) October, 1967

(b) "Full Scale" investigation

(d) Closed December, 1967
Reopened May, 1968
Closed April, 1972

(e) No

(f) Yes - Agitator Index, Rabble-rouser Index

(g) Yes - DOJ (ISD, RAO, Criminal Division, IDIU, CRD)
U. S. Department of State
CIA
USSS
GSA
CSC
IRS

U. S. Army (ACSI)
U. S. Air Force (OSI)
U. S. Marine Corps. (NACC)
U. S. Navy (NISO)
Assistant U. S. Attorney
116th MIG

3. Please state which Agent or Agents had supervisory responsibility in the WFO during 1964-1974 for domestic intelligence investigations.

Answer to Interrogatory 3:

Jesse Farr

Charles A. Ferguson

Gerald T. Grimaldi

Courtland J. Jones

Robert F. Olmert

John R. Palmer

Gerould W. Pangburn

Wilfred R. Schlarman

4. Please state which Agents in the WFO were assigned to conduct domestic intelligence investigations on the Plaintiffs.

Answer to Interrogatory 4:

Clifford F. Arney	Hilmer H. Krebs
F. F. Burgess	Paul D. Lamberth
William G. Courtney	Edward Rudiger
Lawrence E. Danhom	Charles M. Sawyer
C. Edwin Glass	John L. Stanley
Fred B. Griffith	Garnett T. Tunstall
Peter A. Gulotta	Edwin A. Waite, Jr.
Norman H. Hieronymi	Leonard E. Webster
Richard W. Kaiser	James F. Whalen
Joseph E. Keller	Philip H. Wilson

5. Please state which Agents in the WFO were assigned to squads investigating subversives or extremists.

Answer to Interrogatory 5: There are no records available which indicate which Agents in the WFO were assigned to squads investigating subversives or extremists.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.	)	
	)	
Plaintiffs	)	
	)	Civil Action No. 76-13[illegible]
v.	)	
	)	
JERRY V. WILSON, et al.	)	
	)	
Defendants.	)	
	)	
	)	

RESPONSE BY DEFENDANTS KELLEY AND STAMES, IN THEIR OFFICIAL CAPACITIES, TO PLAINTIFFS' FIRST SET OF INTERROGATORIES TO DEFENDANTS KELLEY, SULLIVAN, KUNKEL, MC DERMOTT AND STAMES

Pursuant to the provisions of Rule 33 of the Federal Rules of Civil Procedure, now comes David G. Flanders, a Supervisory Special Agent of the Federal Bureau of Investigation (FBI), assigned to the Bureau's Legal Counsel Division in Washington, D. C., having been designated to respond on behalf of Defendant Kelley in his official capacity as Director of the FBI and Defendant Stames in his official capacity as Special Agent in Charge of the Bureau's Washington Field Office to Plaintiffs' First Set of Interrogatories to Defendants Kelley, Sullivan, Kunkel, Mc Dermott and Stames, and on the basis of information contained in the files of the FBI made known to him in his official capacity aforesaid, deposes and answers those of Plaintiffs' said interrogatories not objected to by Defendants' undersigned attorneys, as follows:

1. Please state whether the Washington Field Office (WFO) of the FBI and/or the Headquarters of the FBI have files on each of the Plaintiffs as a result of an internal security or domestic intelligence investigation.

Answer to Interrogatory 1: WFO has files on each of the Plaintiffs, except Tina Hobson, as a result of an internal security or domestic intelligence investigation. In regard to Plaintiff Washington Area Women Strike For Peace, this

file exists in WFO under the organization name Women Strike For Peace and is believed to be identical to Plaintiff Washington Area Women Strike For Peace.

FBI Headquarters (FBIHQ) has files on each of the Plaintiffs, except Tina Hobson, as a result of an internal securi or domestic intelligence investigation. In regard to Plaintiff Washington Area Women Strike For Peace, a file exists at FBIHQ under the organization name Women Strike For Peace and is believed to contain information concerning Plaintiff Washington Area Women Strike For Peace.

2. In each case where the answer to the first interrogatory is affirmative, state the following in regard to each Plaintiff:

(a) date file was opened;

(b) whether there was a full-scale (as opposed to preliminary 90-day) investigation done;

(c) the statutory basis for the investigation;

(d) whether file has been closed and, if so, the date;

(e) whether the Plaintiff was ever designated as a "subversive," "extremist," "Key Black Extremist," or "Key Activist;"

(f) whether the Plaintiff was listed on any of the following indexes during the period 1964-1974, and, if the response is affirmative, which such indexes:

Reserve Index

Rabble-rouser or Agitator Index

Stop Index

ADEX

(g) whether copies of FBI reports on Plaintiffs were transmitted to other Federal or local government offices or agencies outside the FBI (including Internal Security Division, Department of Justice) and, if so, which such offices.

Objection in part to Interrogatory 2: Defendants object to subsection (c) of this interrogatory on the ground that they are not required to disclose policy information such as the reason for taking certain action which would include the statutory basis for initiating investigation of Plaintiffs:

Answer in part to Interrogatory 2: Insofar as responses to 2(a)(b) and (d) are concerned, they apply to WFO files. FBIHQ files are not maintained in a way which would lend itself to an applicable response to these subsections.

Julius Hobson

(a) Dead file established 4/19/61
Domestic intelligence file opened 5/31/63

(b) "Full Scale" investigation

(d) Closed 2/24/69
Reopened 4/18/69
From 5/17/69 the case was reopened and closed on a semiannual basis until 10/16/72 when it was closed

(e) No

(f) Yes - Rabble-rouser Index, Agitator Index and Administrative Index (ADEX)

(g) Yes - Department of Justice (DOJ)
Attorney General (AG)
Deputy AG
Civil Rights Division (CRD)
Internal Security Division (ISD)
Interdivisional Information Unit (IDIU)
White House
U. S. Army (ACSI, USAINTC, G2)
U. S. Navy (ONI)
U. S. Air Force (OSI)
U. S. Secret Service (USSS)
Assistant U. S. Attorney
Defense Intelligence Organization (DIO)-M.D.W.
116th Military Intelligence Group (116th MIG)

Abe Bloom

(a) February, 1944

(b) "Full Scale" investigation

(d) This file was opened in the WFO in February, 1944, and closed in April, 1944. The file was reopened in May, 1944, and closed in September, 1944. In August, 1949, this file was opened and closed March, 1950. In May, 1951, this file was reopened and closed in December, 1951. From November, 1952, through June, 1973, the file was reopened and closed on Bloom for administrative purposes.

(e) No

(f) Yes - ADEX

(g) Yes - Department of Justice - (Records and Operation
USSS
U. S. Navy (ONI)
U. S. Air Force (OSI)
116th MIG

Arthur I. Waskow

(a) September 14, 1962

(b) "Full Scale" investigation

(d) Closed on November 16, 1962. From 1967 through 1969, the file was reopened and closed twice. From December 8, 1969, to October 20, 1970, the file was opened on a quarterly basis. File was reopened on January 25, 1971, and closed on November 28, 1973.

(e) Yes

(f) Yes - ADEX

(g) Yes - DOJ (ISD, RAO)
USSS
Department of State
U. S. Information Agency
U. S. Air Force (OSI)
U. S. Navy (ONI)
Internal Revenue Service (IRS)
U. S. Army (ACSI)
Central Intelligence Agency (CIA)
National Security Counsel

Reverend David Eaton

(a) 7/23/68

(b) "Full Scale" investigation

(d) Closed on July 30, 1969. Between 1969 and 1970 the file was reopened and closed on a semiannual or quarterly basis. The case was closed on May 22, 1970.

(e) No

(f) Yes - Rabble-rouser Index, Agitator Index, ADEX

(g) Yes - DOJ (ISD, RAO and IDIU)
U. S. Army (Asst. Chief of Staff for Intelligence)
USSS
Department of Agriculture
Assistant U. S. Attorney
U. S. Air Force (OSI)
116th MIG
U. S. Navy (NISO)

Sammy A. Abbott

(a) 12/1/41

(b) "Full Scale" investigation

(d) Closed in 1942. Reopened in April, 1946, and closed in September, 1947. Reopened on September 27, 1949, and closed on December 18, 1950. Reopened February 17, 1951, and closed on January 19, 1959. On February 4, 1959, it was reopened and on May 18, 1960, the file was closed.

(e) No

(f) Yes - ADEX

(g) Yes - DOJ (RAO)
USSS
CIA
U. S. Army (ACSI)
Department of Defense
Defense Intelligence Security Clearance Office
National Agency Check Center

Richard P. Pollock

(a) March, 1971

(b) "Full Scale" investigation

(d) Closed May, 1972. Reopened in September, 1972, and closed January, 1973.

(e) No

(f) Yes - ADEX

(g) Yes - DOJ (RAO)
Department of State
CIA
Department of Defense (DIA)
USSS

Washington Peace Center

(a) Initiated as a "dead" file in February, 1964
Opened in November, 1964

(b) No "Full Scale" investigation

(d) Closed, November, 1964
Opened and Closed, April, 1965

(e) No

(f) No

(g) Yes - USSS
U. S. Air Force (ONI)
U. S. Park Police (USPP)
U. S. Navy (OSI)

Washington Area Women Strike For Peace

(a) October, 1961 (see answer to Interrogatory 1)

(b) No "Full Scale" investigation

(d) This file was started as a "dead" file in 1961. It was opened in October, 1961, and closed on November 1961. Reopened in March and April, 1962, and c the same months. In January, 1963, the file w reopened and closed on February 15, 1963. From May, 1963, through May, 1965, this file was reopened and closed five times. It was reopened in February, 1965, and closed in May, 1965. In June, 1965, the file was reopened and closed on October 1, 1973.

(e) No

(f) No

(g) Yes - U. S. Navy (OSI) (NISO)
U. S. Air Force (ONI)
Military District of Washington
USSS
Defense Intelligence Organization
Assistant U. S. Attorney
116th MIG
General Services Administration (GSA)
USPP
Metropolitan Police, Washington, D. C. (MPD)

Emergency Committee On
The Transporation Crises

(a) October, 1967

(b) "Full Scale" investigation

(d) Closed November, 1967
Reopened August, 1968
Closed April, 1972

(e) No

(f) No

(g) Yes - White House
Vice President
U. S. Department of State
CIA
DOJ (AG, DAG, CRD, ISD, RAO, IDIU)
U. S. Army (USAINTC, ACSI)
U. S. Navy (ONI, NISO)
U. S. Air Force (OSI)
USSS
GSA
Civil Service Commission (CSC)
Assistant U. S. Attorney
116th MIG

Reginald H. Booker

(a) October, 1967

(b) "Full Scale" investigation

(d) Closed December, 1967
Reopened May, 1968
Closed April, 1972

(e) No

(f) Yes - Agitator Index, Rabble-rouser Index

(g) Yes - DOJ (ISD, RAO, Criminal Division, IDIU, CRD)
U. S. Department of State
CIA
USSS
GSA
CSC
IRS

U. S. Army (ACSI)
U. S. Air Force (OSI)
U. S. Marine Corps. (NACC)
U. S. Navy (NISO)
Assistant U. S. Attorney
116th MIG

3. Please state which Agent or Agents had supervisory responsibility in the WFO during 1964-1974 for domestic intelligence investigations.

Answer to Interrogatory 3:

Jesse Farr

Charles A. Ferguson

Gerald T. Grimaldi

Courtland J. Jones

Robert F. Olmert

John R. Palmer

Gerould W. Pangburn

Wilfred R. Schlarman

4. Please state which Agents in the WFO were assigned to conduct domestic intelligence investigations on the Plaintiffs.

Answer to Interrogatory 4:

Clifford F. Arney	Hilmer H. Krebs
F. F. Burgess	Paul D. Lamberth
William G. Courtney	Edward Rudiger
Lawrence E. Danhom	Charles M. Sawyer
C. Edwin Glass	John L. Stanley
Fred B. Griffith	Garnett T. Tunstall
Peter A. Gulotta	Edwin A. Waite, Jr.
Norman H. Hieronymi	Leonard E. Webster
Richard W. Kaiser	James F. Whalen
Joseph E. Keller	Philip H. Wilson

5. Please state which Agents in the WFO were assigned to squads investigating subversives or extremists.

Answer to Interrogatory 5: There are no records available which indicate which Agents in the WFO were assigned squads investigating subversives or extremists.

ANSWER OF DEFENDANTS CLARENCE M. KELLEY, WILLIAM C. SULLIVAN, NICK STAMES, ROBERT G. KUNKEL, JOHN J. McDERMOTT, TERRY O'CONNOR, CHARLES M. SAWYER, ROBERT E. YATES, ROBERT W. FEUER, AND DAVID RARITY

Come now the aforesaid defendants [hereinafter referred to as the Federal Defendants], by their undersigned attorneys, and in answer to the Complaint herein filed, insofar as said Complaint refers to them, say:

FIRST DEFENSE

The Complaint fails to state a claim against the Federal defendants upon which relief can be granted.

SECOND DEFENSE

The doctrine of soveriegn immunity bars any suit against the United States where the United States has not consented to be sued. This suit is barred by the doctrine of sovereign immunity since it is in law and fact a suit against the United States to which the United States has not consented.

THIRD DEFENSE

The suit is barred by any applicable statute of limitations and the doctrine of laches.

FOURTH DEFENSE

All activities of the Federal defendants in the premises were performed in furtherance of their official duties, were within the scope of their authority and were not in excess of their statutory authority. Each of the Federal defendants, therefore, is absolutely immune from suit under the doctrine of official immunity.

FIFTH DEFENSE

All activities of the Federal defendants in the premises were performed in furtherance of their official duties and were undertaken in good faith and in the reasonable belief that such activities were necessary, lawful and within the scope of their authority. Each of the Federal defendants, therefore, is not liable to the plaintiffs in damages for such activity.

SIXTH DEFENSE

Answering specifically the allegations contained in the numbered allegations of the Complaint, the Federal defendants aver:

JURISDICTION

1-2 The Federal defendants admit that the action purports to be as alleged in Paragraph 1 of the Complaint, and that the jurisdiction of the Court is invoked as alleged in Paragraph 2, but deny that the Court has jurisdiction over them under 42 U.S.C. 1985(3) and 1986; 28 U.S.C. 1331, 1343(1),(2) and (4), 1337, 1355; or by reason of the First, Fourth, Fifth and Ninth Amendments to the Constitution of the United States; or under 18 U.S.C. 2520 or D.C. Code Chapter 23 Section 554, or otherwise, and deny that the matter in controversy as to them, exclusive of interest and costs, exceeds the value of $10,000. The Federal defendants deny that any action has been taken by them in violation of plaintiffs' constitutional, statutory, or other legal rights, deny that they are liable in damages to the plaintiffs under said amendments or statutes, or under any other provision of law, and deny that plaintiffs are entitled to judicial relief against them in any form or fashion.

PARTIES

3-13 The Federal defendants do not contest the allegations contained in Paragraph 3 through 13 of the Complaint, and for the purposes of this litigation said allegations are accepted as true and therefore admitted.

16 The Federal defendants are without knowledge or information sufficient to form a belief as to the allegations of Paragraph 16 of the Complaint, and the same are, for that reason, denied.

17 The Federal defendants admit that defendant William C. Sullivan is a resident of New Hampshire and a retired official of the Federal Bureau of Investigation. The Federal defendants aver that he was an Assistant Director of the Bureau from June 17, 1960, to August 1, 1970, and Assistant to the Director from August 1, 1970 to October 21, 1971, and that in those positions he had some responsibility for inter alia, the Bureau's Counter-intelligence program.

19 Admitted.

20 The Federal defendants admit so much of Paragraph 20 of the Complaint as alleges that defendant Kunkel is Special Agent in Charge [SAC] of the Alexandria Field Office of the Federal Bureau of Investigation and that he was formerly SAC of the Washington Field Office. The Federal defendants deny that defendant Kunkel was SAC of the Washington Field Office until 1971, but state he was SAC of the Washington Field Office from July, 1970 to October, 1972.

21 The Federal defendants admit that defendant McDermott is an employee of the FBI currently assigned to duty in the J. Edgar Hoover Building, and that he was formerly SAC of the Washington Field Office. The Federal defendants deny that defendant McDermott was SAC of the Washington Field Office from 1971-1973; but state he held that position from October, 1972 until June, 1974.

22 Admitted.

23 The Federal defendants admit the allegations contained in Paragraph 23 of the Complaint but deny that William Tucker is a defendant in this action.

24 Paragraph 24 of the Complaint states a legal conclusion, and thus need not be either admitted or denied. To the extent an answer is required, the Federal defendants lack knowledge or information sufficient to form a belief as to its truth or falsity, and it is, accordingly, denied.

25 and 26 The allegations of Paragraphs 25 and 26 pertain to actions of the District of Columbia, and its officials, and therefore do not require an answer from the Federal defendants. To the extent an answer is required, the Federal defendants are without sufficient knowledge or information to form a belief as to the truth or falsity of the same, and the allegations are, therefore, denied.

27 The Federal defendants deny the allegations contained in Paragraph 27 of the Complaint.

28 With respect to the allegations contained in Paragraph 28 of the Complaint, which incorporates Paragraphs 25 through 27 by reference, each of the Federal defendants answers as follows:

Defendant Kelley, in his individual capacity, denies the allegations contained in Paragraph 28 of the Complaint. Defendant Kelley is advised that the records of the Federal Bureau of Investigation indicate that (1) informants of the Federal Bureau of Investigation were present at some meetings at which some of the individual plaintiffs were present, or which were held by some of the organizational plaintiffs; but such records reflect that their presence was not fraudulently obtained. (2) plaintiffs were not the subject of electronic surveillance but some of the plaintiffs were overheard on such surveillances directed to others for lawful national security purposes. (3) on one occasion a piece of third class mail addressed to one of the plaintiffs was misdirected in the mail to an informant of the Federal Bureau of Investigation who turned it over to a Special Agent. (4) on numerous occasions, several of the plaintiffs were observed by Special Agents of the FBI at public gatherings or in the course of surveillances undertaken for legitimate law enforcement purposes. (5) the Bureau received summaries of two wire communications to two of the plaintiffs which were obtained by another Federal agency.

Defendant Kelley is advised that the records of the Federal Bureau of Investigation indicate that except for the matters set forth above, no other activity of the kind alleged in Paragraph 28 of the Complaint occurred, and, accordingly, on information and belief, denies all such other and further allegations contained therein.

Defendant Sullivan avers that he held a position of responsibility in the Federal Bureau of Investigation as stated in Paragraph 17, supra, but he denies the allegations contained in Paragraph 28 of the Complaint.

Defendant Stames, Kunkel, and McDermott aver that they were Special Agents in Charge of the Washington Field Office for the periods stated in Paragraphs 19 to 21, supra, and that they had administrative supervision of that office. They deny that they were aware of or participated in any such acts as alleged in Paragraph 28 of the Complaint, and therefore, they deny the allegations.

Defendants Yates and Rarity aver that they had no contact with or involvement in any activity with regard to the plaintiffs as set forth in the Complaint herein, and, therefore, they deny the allegations contained in Paragraph 28 of the Complaint.

Defendant Sawyer denies all allegations set forth as to all plaintiffs, except that as to plaintiff Waskow defendant Sawyer avers that on one occasion an informant may have had a private conversation with plaintiff Waskow the substance of which was reported to defendant Sawyer, that he observed plaintiff Waskow at numerous public meetings and demonstrations, and in public

places during surveillances directed at others for legitimate law enforcement purposes.

Defendant O'Connor denies all allegations set forth in Paragraph 28 of the Complaint except that he may have had an informant report to him the occurrances at public meetings attended by the plaintiffs, and he may have seen plaintiff Waskow during the course of one or more physical surveillances directed at others for legitimate law enforcement purposes.

Defendant Feuer denies all allegations contained in Paragraph 28 of the Complaint except that he saw mail addressed to plaintiff Waskow, after it had been discarded, in the course of an investigation directed to another subject, conducted a physical surveillance of plaintiff Waskow on one occasion, and he observed him at numerous public meetings and demonstrations.

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29 The Federal defendants deny the allegations of Paragraph 29 of the Complaint.

30 The Federal defendants deny the allegations of the first sentence of Paragraph 30. They admit the allegations of the second sentence insofar as they purport to describe the general scope of the COINTELPRO operation, but deny the same as they pertain to the plaintiffs. Defendants Kelley and Sullivan admit the allegations in the third sentence in general, but deny them as pertains to the plaintiffs herein. No answer is required of the other Federal defendants, who are not supervisory officials. To the extent an answer is required, they lack sufficient knowledge or information to form a belief as to the truth of the allegations.

31 Insofar as Paragraph 31 alleges that defendants Stames, Kunkel and McDermott were Special Agents in Charge of the Washington Field Office, it is admitted. So much of the allegation as alleges that they held that post successively is denied. Their dates of service are set forth in Paragraphs 19 to 21 of this Answer. The allegation that the Washington Field Office participated in the operation known as COINTELPRO is admitted. The allegation that the Washington Field Office solicited and received the active participation in that program of the defendant D.C. supervisory officials, agents and informers is denied.

32 The allegations contained in Paragraph 32 and sub-Paragraphs (a) through (e) are denied except that the defendants admit that to the extent they did act with respect to the plaintiffs herein,

they were acting in their official capacities.

33 Insofar as it applies to the Federal defendants, the allegations contained in Paragraph 33 of the Complaint are denied.

34 The allegations contained in Paragraph 34 of the Complaint herein, including sub-Paragraphs (a) through (f) are conclusions of law and do not require an answer from the Federal defendants. To the extent an answer may be required, the Federal defendants deny that any of their acts violated the plaintiffs' rights under the Constitution of the United States and the amendments thereto, or under the statutes of the United States and the District of Columbia, or under the common law to the extent it may apply herein. The Federal defendants deny that their acts constitute a conspiracy in violation of any provision of law.

35 The allegations contained in Paragraph 35 contain legal conclusions and speculation. Accordingly they require no answer. To the extent an answer is required the Federal defendants deny that they impeded the plaintiffs' lawful political efforts, and deny that they falsely tainted the plaintiffs' effort and movement. The Federal defendants lack knowledge or information sufficient to form a belief as to the remaining allegations, and, accordingly, deny them.

RELIEF

The Federal defendants deny that they violated any of the plaintiffs' constitutional or statutory rights, and deny that any relief is available against them in the premises.

Wherefore, the Federal defendants, having fully answered the allegations contained in the numbered Paragraphs of the Complaint, respectfully pray that the Complaint herein be dismissed as to them.

Respectfully submitted,

RICHARD L. THORNBURGH
Assistant Attorney General

GEORGE W. CALHOUN
Attorney, Department of Justice

Benjamin C. Flannagan

BENJAMIN C. FLANNAGAN
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Kunkel, McDermott, O'Connor,
Sawyer, Yates, Feuer and Rarity

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED NOV - 8 1976

JAMES F. DAVEY
CLERK

JULIUS HOBSON, et al., Plaintiff,	)	
v.	)	Civil Action 76-1326
JERRY WILSON, et al., Defendants.	)	

PLAINTIFFS' FIRST SET OF INTERROGATORIES
TO DEFENDANTS KELLEY, SULLIVAN, KUNKEL,
McDERMOTT, AND STAMES

Pursuant to Rule 33, Federal Rules of Civil Procedure, the above defendants are requested to submit written responses under oath within thirty (30) days to the following interrogatories. If additional information is received by the above defendants after submitting their responses, they are requested to supplement their responses pursuant to F.R.C.P. 26(e).

1. Please state whether the Washington Field Office (WFO) of the FBI and/or the headquarters of the FBI have files on each of the plaintiffs as a result of an internal security or domestic intelligence investigation.

2. In each case where the answer to the first interrogatory is affirmative, state the following in regard to each plaintiff:

(a) date file was opened;

(b) whether there was a full-scale (as opposed to preliminary 90-day) investigation done;

(c) the statutory basis for the investigation;

(d) whether file has been closed and, if so, the date;

(e) whether the plaintiff was ever designated as a "subversive," "extremist," "Key Black Extremist," or "Key Activist;"

(f) whether the plaintiff was listed on any of the following indexes during the period 1964-1974, and, if the response is affirmative, which such indexes:

Reserve Index

Rabble-rouser or Agitator Index

Stop Index

ADEX

(g) whether copies of FBI reports on plaintiffs were transmitted to other federal or local government offices or agencies outside the FBI (including Internal Security Division, Department of Justice) and, if so, which such offices.

3. Please state which agent or agents had supervisory responsibility in the WFO during 1964-1974 for domestic intelligence investigations.

4. Please state which agents in the WFO were assigned to conduct domestic intelligence investigations on the plaintiffs.

5. Please state which agents in the WFO were assigned to squads investigating subversives or extremists.

6. Please state which FBI official or agent(s) was responsible for the supervision of the Key Extremist and Key Black Extremist programs in the eastern portion of the United States.